

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Victor Dale,

Case No. 3:21-cv-1181

Plaintiff,

v.

ORDER

City of Oregon, *et al.*,

Defendants.

On June 13, 2020, Plaintiff Victor Dale was shot by two police officers employed by the City of Oregon, Ohio, who had responded to two 911 calls made by residents at a local apartment complex. Before he was shot, Dale had entered his vehicle and attempted to drive away from the officers, striking at least one of them with his vehicle. Dale subsequently was indicted on felony charges of felonious assault and assault for knowingly causing or attempting to cause physical harm to a peace officer. (Doc. No. 8-1). On June 14, 2021, approximately one month after he was indicted, Dale filed suit in this Court against the City of Oregon and Officers Joel Turner and Logan Nitkiewicz, asserting federal constitutional claims pursuant to 42 U.S.C. § 1983 and state law claims for negligence and assault and battery. (Doc. No. 1).

Defendants have filed a motion to stay these civil proceedings while Dale's state criminal case is pending. (Doc. No. 8). Dale has not filed a brief in response to Defendants' motion to stay, and the extended deadline to do so has passed. (*See* non-document entry dated February 17, 2022).

Under *Younger v. Harris*, 401 U.S. 37 (1971), "[w]hen there is a parallel, pending state criminal proceeding, federal courts must refrain from enjoining the state prosecution." *Sprint Commc'ns, Inc. v.*

Jacobs, 571 U.S. 69, 72 (2013). Moreover, where, like here, a plaintiff seeks damages in relation to the circumstances which underlie both the criminal and civil cases, a district court must stay the civil case. *Nimer v. Litchfield Twp. Bd. of Trustees*, 707 F.3d 699, 702 (6th Cir. 2013) (citing *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 731 (1996)).

Therefore, I grant Defendants' motion to stay this case. (Doc. No. 8). The parties shall file a joint status report regarding Dale's criminal case no later than 90 days from the date of this Order.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge